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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/820,997

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Nicholas A. Matiash

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EXAMINER

LANGDON, EVAN H

ART UNIT

PAPER NUMBER

3654

NOTIFICATION DATE

DELIVERY MODE

10/09/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@boylefred.com

## Office Action Summary

**Application No.**

10/820,997

**Applicant(s)**

MATIASH, NICHOLAS A.

**Examiner**

Evan H. Langdon

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-69 is/are pending in the application.
- 4a) Of the above claim(s) 16-58 and 68 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15, 59-67 and 69 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

Claim 33 is objected to because it has the wrong status identifier. It should properly be listed as "withdrawn."

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-7, 10-15, 59-62, 64-67 and 69 are rejected under 35 U.S.C. 102(b) as being anticipated by Clay (US 3,026,012).

In regards to claim 1, 13, 14, 59, 65 and 66, Clay discloses a wire feed assembly having a wire guide 16 (Fig. 4 and 6) adapted and configured to convey a weld wire in a weld wire drive assembly (Fig. 1), and to provide lateral support to such weld wire in such weld wire drive assembly, such weld wire drive assembly having at least one drive roll 28, 30 which is adapted and configured to drive such weld wire in such drive assembly, the wire guide comprising:

an elongate body 16,70 having an outer surface, a length, and first and second ends;

an elongate bore (64, 66, Fig. 5 and 7), extending along the length of, and through, the elongate body; and

an aperture (at 72, Fig 4) extending through the elongate body transverse to, and intersecting, the elongate bore, wherein the drive role is wider that the wire guide (Fig. 6).

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In regards to claims 2 and 3, Clay discloses a receptacle 12 (Fig. 1 and 3) extending inwardly, along the length of the wire guide, from at least one of the first and second ends where the receptacle defining a generally cylindrical cavity.

In regards to claims 5 and 60, Clay discloses the aperture comprising first and second depressions 74 extending into the outer surface of the elongate body from opposing sides thereof, each such depression extending fully across a width of the elongate bore so as to define a side elevation depression profile, and opening into the elongate bore.

In regards to claims 6 and 61, Clay discloses the elongate body defining a first width dimension, and being adapted and configured to cooperate with a such drive roll 28 having a second width dimension between first and second sides of such drive roll, magnitude of the first width dimension of the elongate body being less than magnitude of the second width dimension of such drive roll (Fig. 6).

In regards to claims 7 and 62, Clay discloses the aperture comprising a generally arcuate depression 70 extending into the outer surface of the elongate body (Fig. 4).

In regards to claim 10, Clay discloses the elongate bore and the aperture define the same width dimension where the drive roll contacts the weld wire (Fig. 6).

In regards to claims 11 and 64, Clay discloses wherein the aperture (at 72, Fig 4) has a length extending along the length of the elongate body, and a width, and wherein the width of the aperture is generally limited to no more than about three times a diameter of the elongate bore.

In regards to claim 12, Clay discloses the first and second depressions 70 open into each other.

With respect to claims 15 and 67, the method described in these claims would inherently result from the use of the wire feed assembly of Clay as advanced above.

In regards to claim 69, Clay discloses a wire guide adapted and configured to convey a weld wire having a predetermined diameter through a weld wire drive assembly, and to provide lateral support to such weld wire in the weld wire drive assembly, such weld wire drive assembly having at least one drive roll for driving the weld wire, the wire guide comprising:

an elongate body 16,70;

an elongate bore (64, 66, Fig. 5 and 7) extending axially and continuously through the elongate body; and

an aperture (at 72, Fig 4) extending through the elongate body, providing access to the weld wire, wherein the drive roll is wider than the wire guide (Fig. 6) and the wire guide, adjacent the aperture, defines a transverse cross-section having a height dimension that is greater than the diameter of the weld wire (Fig. 4).

Claims 1, 5-7, 9, 11-15, 59-67 and 69 are rejected under 35 U.S.C. 102(b) as being anticipated by Seufer (US 5,816,466).

In regards to claim 1 and 13, 14, 59, 65 and 66, Seufer discloses a wire feed assembly having a wire guide 44 (fig. 24) adapted and configured to convey a weld wire in a weld wire drive assembly (Fig. 1, 12), and to provide lateral support to such weld wire in such weld wire drive assembly, such weld wire drive assembly having at least one drive roll 118 which is adapted and configured to drive such weld wire in such drive assembly, the wire guide comprising:

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an elongate body 44 (Fig. 24) having an outer surface, a length, and first and second ends;

an elongate bore 62a, extending along the length of, and through, the elongate body; and

an aperture 70,72 extending through the elongate body transverse to, and intersecting, the elongate bore, wherein the drive roll 118 is wider than the wire guide 44 (Fig. 12, 24)

In regards to claims 5 and 60, Seufer discloses the aperture comprising first and second depressions 72 (Fig. 24,25) extending into the outer surface of the elongate body from opposing sides thereof, each such depression extending fully across a width of the elongate bore so as to define a side elevation depression profile, and opening into the elongate bore.

In regards to claims 6 and 61, Seufer discloses the elongate body defining a first width dimension, and being adapted and configured to cooperate with a such drive roll 53 having a second width dimension between first and second sides of such drive roll, magnitude of the first width dimension of the elongate body being less than magnitude of the second width dimension of such drive roll (Fig. 12).

In regards to claims 7 and 62, Seufer discloses the aperture comprising a generally arcuate depression 72 extending into the outer surface of the elongate body (Fig. 24,25).

In regards to claims 9 and 63, Seufer discloses the aperture comprising a first aperture 72, the elongate body further comprising a second aperture 72 (Fig. 24, 25) extending through the elongate body, transverse to the elongate bore, the first and second apertures being spaced from each other along the length of said elongate body.

In regards to claims 11 and 64, Seufer discloses wherein the aperture 72 has a length extending along the length of the elongate body, and a width, and wherein the width of the

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aperture is generally limited to no more than about three times a diameter of the elongate bore (Fig. 12,24).

In regards to claim 12, Seufer discloses the first and second depressions 72 open into each other.

With respect to claims 15 and 67, the method described in these claims would inherently result from the use of the wire feed assembly of Seufer as advanced above.

In regards to claim 69, Seufer discloses a wire guide adapted and configured to convey a weld wire having a predetermined diameter through a weld wire drive assembly, and to provide lateral support to such weld wire in the weld wire drive assembly, such weld wire drive assembly having at least one drive roll for driving the weld wire, the wire guide comprising:

- an elongate body 44;

- an elongate bore 62a extending axially and continuously through the elongate body; and

- an aperture 70, 72 extending through the elongate body, providing access to the weld wire, wherein the drive roll is wider than the wire guide and the wire guide, adjacent the aperture, defines a transverse cross-section having a height dimension that is greater than the diameter of the weld wire (Fig. 24).

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seufer in view of Gerould (US 3,675,837).

Gerould teaches a wire feed assembly having a wire guide and a receptacle extending inwardly, along the length of the wire guide (see Figs. 6 the wire guide element 28 accommodating flexible conduit), from at least one of the first and second ends where the receptacle defining a generally conical cavity, and an inlet guide (see Figs. 6 the wire guide element 28 accommodating flexible conduit) having a bore extending there through and communicating with one of said first and second ends of the elongate body, (i) the bore which extends through the inlet guide, and (ii) the bore which extends through said elongate body, being generally coaxial with respect to each other.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the wire guide assembly of Seufer to include a conical cavity receptacle at one end and an inlet guide at the other end as suggested by Gerould, to provide additional support and guidance to the wire as it enters and leaves the assembly.

### ***Response to Arguments***

Applicant's arguments with respect to claim 1-3, 5-7, 10-15, 59-62, 64-67 and 69 have been considered but are moot in view of the new ground(s) of rejection. The newly added limitation, wherein the drive roll is wider than the wire guide, necessitated the new grounds of rejection as anticipated by Clay. In regards the 102(b) rejection as anticipated by Seufer, the elongate body 44 is clearly seen in Figures 12 and 24 having a width less than the drive roll.



***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

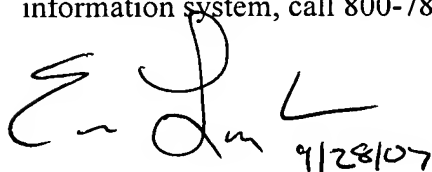
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan H. Langdon whose telephone number is (571)272-6948. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'E. Langdon', followed by the date '9/28/07' written in a similar cursive style.

Evan Langdon  
Patent Examiner  
AU 3654